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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,196	06/20/2000	John Zimmerman	US000127	6011

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 05/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/597,196

Applicant(s)

ZIMMERMAN, JOHN

Examiner

April L Baugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5-10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant has canceled claim 11, amended claims 5-10 and 12-13, and added new claims 14-16, therefore claims 5-10 and 12-16 are now pending.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 5, 6, and 14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Apfel et al.

Regarding claim 5, AAPA teaches an appliance, comprising: a controller and a receiver connected thereto and effective to receive an ID device identifier (pg. 3, line 21-pg.4, line 3); a network interface; the controller being further programmed to access profile data on the profile server (pg.3, lines 8-11).

AAPA does not teach of a relay server. Apfel et al. teaches a relay server corresponding to the ID device identifier; the controller being programmed to: transmit data responsive to the identifier to the relay server and receive a profile address in response from the relay server: the controller being further programmed to access data on the server (Fig. 3 and column 6, lines 38-45 and column 6, line 63 through column 7, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the personalization of smart appliances of AAPA by having a relay server because it automatically directs the appliance to the server location with the profile information to personalize the appliance thus allowing the user to personalize a new appliance with the same profile because the profile isn't stored on the appliance.

Regarding claim 6, AAPA teaches a method of controlling the operation of an appliance, comprising: receiving at an appliance, first access data, from a first remote device, the access data providing access to first configuration data; receiving at the appliance at least a portion of the first configuration; configuring the appliance responsively to the first configuration data (pg. 3, line 5-11); receiving, at the appliance, second access data to the appliance from a second remote device, the second access data providing access to second configuration data; receiving at the appliance at least a portion of the second configuration data; reconfiguring the appliance responsively to the second configuration data (pg.4, lines 4-11).

AAPA does not teach of network access. Apfel et al. teaches the access data providing network access to first configuration data; receiving at the appliance at least a portion of the first configuration data via the network and the second access data providing network access to second configuration data; receiving at the appliance at least a portion of the second

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configuration data (Fig. 3 and column 6, lines 38-45 and column 6, line 63 through column 7, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the personalization of smart appliances of AAPA by having providing network access to first configuration data because it automatically directs the appliance to the server location with the profile information to personalize the appliance thus allowing the user to personalize a new appliance with the same profile because the profile isn't stored on the appliance.

Referring to claims 14, AAPA teaches a method of controlling an appliance, comprising: receiving an address from a remote device, transmitting a request to the profile server, receiving a profile from the profile server, and controlling the appliance in dependence upon the profile.

AAPA does not teach of a relay server. Apfel et al. teaches transmitting a first request to the relay server, receiving an address of a profile server from the relay server, transmitting a second request to the profile server, receiving a profile from the profile server (Fig. 3 and column 6, lines 38-45 and column 6, line 63 through column 7, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the personalization of smart appliances of AAPA by having a relay server because it automatically directs the appliance to the server location with the profile information to personalize the appliance thus allowing the user to personalize a new appliance with the same profile because the profile isn't stored on the appliance.

Referring to claim 16, AAPA teaches the method of claim 14, further including receiving an address from another remote device, transmitting a request to the other profile server,

receiving an other profile from the other profile server, and controlling the appliance in dependence upon the other profile.

AAPA does not teach of a relay server. Apfel et al. teaches transmitting a third request to the other relay server, receiving an address of an other profile server from the other relay server, transmitting a fourth request to the other profile server, receiving an other profile from the other profile server (Fig. 3 and column 6, lines 38-45 and column 6, line 63 through column 7, line 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the personalization of smart appliances of AAPA by having a relay server because it automatically directs the appliance to the server location with the profile information to personalize the appliance thus allowing the user to personalize a new appliance with the same profile because the profile isn't stored on the appliance.

Referring to claim 7, AAPA teaches a method as in claim 6, wherein each of the first remote device and the second remote device correspond to a portable device (pg. 3, line 5-11).

Regarding claims 8 and 9, AAPA teaches a method as in claim 7 and 6, wherein: receiving at least the portion of the first configuration data includes receiving first relay data responsive to a network server identified in the first access data, receiving profile data made accessible via the network by the first relay data (pg. 3, line 5-11) and receiving at least the portion of the second configuration data includes receiving second relay data responsive to a network server identified in the second access data, and receiving profile data made accessible via the network by the second relay data (pg.4, lines 4-11).

Referring to claim 10, AAPA teaches a method as in claim 6, wherein: the each of the first and second remote devices corresponds to a radio frequency identification device (pg. 3, line 21 through pg. 4, line 3).

Referring to claim 12, AAPA teaches a method as in claim 10, wherein delivering the first and second access data includes co-locating the radio frequency identification device with the appliance (pg. 3, line 21 through pg. 4, line 3).

Regarding claim 13, AAPA teaches a method as in claim 6, wherein receiving at least the portion of the first configuration data includes receiving a portion of profile data including data relating to the appliance and data relating to another type of appliance (pg. 3, line 5-11 and pg. 4, lines 4-11).

Regarding claim 15, AAPA teaches the method of claim 14, wherein the remote device is a radio-frequency identification device (pg. 3, line 21 through pg. 4, line 3).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to personalization of smart appliances in general:

US Pat No. 5,991,773 to Tagawa

US Pat No. 6,715,075 to Loukianov

US Pat No. 6,161,133 to Kikinis

US Pat No. 6,199,114 to White et al.

US Pat No. 5,793,972 to Shane.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER